Supreme Court, U. S.
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79-1582

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1979

No. A-524

RONALD THOMAS COLEMAN,
AKA RONALD THOMAS COLEMAN-BEY,
ET. AL.,
Petitioners
vs.
UNITED STATES OF AMERICA

PETITION FOR WRIT OF CERTIORARI

To the United States Court of Appeals for the Fourth Circuit

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The Petitioners, Ronald Thomas Coleman AKA Ronald Thomas Coleman-Bey, et. al., respectfully pray that a Writ of Certiorari issue to review the judgment and opinion of the United States Court of Appeals for the Fourth Circuit entered in this proceeding on November 19, 1979.

OPINIONS BELOW

No formal opinions were rendered by the District Court nor the Circuit Court of Appeals for the Fourth Circuit.

JURISDICTION

The jurisdiction of this Court is invoked under the provisions of 28 U.S.C. 1254 (1). The judgment of the United States Court of Appeals was entered on the 17th day of October, 1979. The Petitioners filed a Petition for Rehearing, which was denied on the 19th day of November, 1979 (Court order appears in Appendix).

ISSUES PRESENTED

1. Whether the status of slaves and their descendants was ever legally changed from that of property to that of legal persons; thereby subjecting them to charges of offenses relating to legal persons.
2. Whether the actions of the courts in the summary manner in which the various legal motions by the Petitioners throughout the trial and appeal were handled, amounted to such patent and/or latent bias as to preclude the Petitioners from receiving a fair trial.

STATEMENT OF FACTS

Petitioners were charged separately with filing a false Federal income tax withholding statement in violation of 26 U.S.C. Sec. 7205.

Each of the Petitioners entered a plea of not guilty in

separate arraignments before different judges in the United States District Court.

Petitioners, who were all represented by the same legal counsel, moved to Join the cases, moved to dismiss the Indictments and requested a hearing on the motions. One United States District Judge, acting for all Judges presiding in these cases, denied the motions, without a hearing.

Petitioners then filed a Petition for Writ of Mandamus or Prohibition to the United States Court of Appeals for the Fourth Circuit and additionally filed motions to stay the District Court proceedings, directed to both the District Court and the Circuit Court of Appeals. The Circuit Court denied the Motion to Stay Proceedings. The District Court failed to rule on the Motion to stay. Petitioners maintain that the Circuit Court of Appeals failed to properly rule on the Petition for Writ of Mandamus or Prohibition.

Petitioners in each case waived a jury trial and moved for disqualification of the trial judges for reason of bias. Upon denial of these Motions, Petitioners stood mute and declined to participate in the trials.

The Petitioners in each case were found guilty of one count and upon imposition of sentences each Petitioner moved for Stay of Execution of sentence, pending appeal; but in each case said Motion was denied.

Petitioners appealed to the Circuit Court of Appeals for the Fourth Circuit where on October 17, 1979, the Judgment of the District Court was affirmed without a formal opinion. A Petition for rehearing was denied on November 19, 1979.

It is from these actions that Petitioners seek a Writ of Certiorari.

REASONS FOR GRANTING THE WRIT

This Honorable Court has consistently upheld the Constitutionality of the Fourteenth Amendment to the Consitution of the United States and yet has failed to address itself to the inherent inequalities in addition to the apparent inconsistencies contained therein.

The Petitioners have asked important questions of federal law which should be settled by this Court regarding the Consitutionality of the Fourteenth Amendment, as it applies to former slaves and their descendants.

Petitioners contend that former slaves and their descendants have never been rendered legal persons by any branch of this government and therefore are not capable of being citizens of the United States of American.

Petitioners contend that Abraham Lincoln's Proclamation of Emancipation of September 22, 1862, was a legal use of his war powers granted to him by Congress, and any legislation passed in contravention thereof was unconsititutional and a violation of the separation of power promised by the Constitution of the United States, as regards the three branches of government.

Petitioners contend that the Constitution in Article I Section 2; Article I Section 9; and Article II Section I, recognize that there can be a difference in the classification of persons. Article I Section 9 refers to the importation of persons and while clearly referring to slaves, calls them persons. Petitioners contend that you cannot import persons, but rather you import things, goods, merchandise, etc. and that the reference to their importation clearly recognized slaves as inferior beings.

Petitioners contend that nothing was ever done to change their status from property to that of legal persons. Further, the Supreme Court in the "Dred Scott" case, Dred Scott V. Sanford, 19 Howard 393.1857, stated

unequivocally that Negroes were a class of persons incapable of being citizens. How then could Congress, in direct conflict with that decision, legally pass the Fourteenth Amendment declaring them citizens.

Petitioners contend that it was impossible for the so called "freed slaves," because of previous conditions dictated by forced servitude, to intelligently exercise the freedom of choice (enjoyed by truly free men) to accept or reject colonization and citizenship unilaterally imposed upon them by the Fourteenth Amendment.

Petitioners contend that the compensation promised to former slave holders by the initial Emancipation Proclamation was illegally denied them by Section 4 of the Fourteenth Amendment; and further that the failure to compensate the former slaves for their years of forced servitude was an additional violation of the Emancipation Proclamation (emphasis added).

The times we live in dictate that the descendants of former slaves enjoy de jure rather than de facto citizenship. Those that know who they are should be granted their rightful nationality and names so that they can join and enjoy the fruits of dignity and respect that come with belonging to a nationality recognized by the family of nations.

The Petitioners urge that this country can ill afford not to take the opportunity to make itself really whole in the grandest sense of the republic by correcting the wrongs complained of here.

CONCLUSION

For the above set out reasons, a Writ of Certiorari should issue to review the judgment and opinion of the Fourth Circuit Court of Appeals.

Respectfully submitted,

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APPENDIX

APPENDIX

Supreme Court of the United States
No. A-524
RONALD THOMAS COLEMAN, ETC.,
ET AL.,
Petitioners,
v.
UNITED STATES

ORDER EXTENDING TIME TO FILE PETITON FOR WRIT OF CERTIORARI

UPON CONSIDERATION of the application of counsel for petitioner(s), It Is Ordered that the time for filing a petition for writ of certiorari in the above-entitled cause be, and the same is hereby, extended to and including January 18, 1980

/s/ Warren E. Burger
Chief Justice of the United States

Dated this 21
day of December, 1979

ORDER

Upon consideration of the appellants' petition for rehearing.

IT IS ORDERED that the petition for rehearing is DENIED.

Entered at the direction of Judge Winter for a panel consisting of Judge Haynsworth, Judge Winter, and Judge Murnaghan.

For the Court,

/s/ William K. Slate, II
CLERK

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OCTOBER TERM, 1979

No. 79-1582

RONALD THOMAS COLEMAN,
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SUPPLEMENTAL APPENDIX TO

PETITION FOR WRIT OF CERTIORARI

To the United States Court of Appeals for the Fourth Circuit

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Baltimore, Maryland
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OCTOBER 17,1979

UNITED STATES COURT OF APPEALS

FOR THE FOURTH CIRCUIT

NO. 78-5189

United States of America, Appellee,

v.

Ronald Thomas Coleman,

a/k/a Ronald Thomas Coleman-Bey, Appellant.

Appeal from the United States District Court for the District of Maryland, at Baltimore. C. Stanley Blair, District Judge.

No. 78-5190

United States of America, Appellee,

v.

Steven Maurice Scott,

a/k/a Steven Maurice Scott-Bey Appellant.

Appeal from the United States District Court for the District of Maryland, at Baltimore. Edward S. Northrop, Chief Judge.

No. 78-5191

United States of America, Appellee,

v.

Ronald Ricardo Lovejoy,

a/k/a Ronald Ricardo Lovejoy-Bey, Appellant.

Appeal from the United States District Court for the District of Maryland, at Baltimore. Herbert F. Murray, District Judge.

No. 78-5192

United States of America, Appellee,
v.
John William McBride,
a/k/a John William McBride-Bey, Appellant.

Appeal from the United District Court for the District of Maryland, at Baltimore. Joseph H. Young, District Judge.

No. 79-5039

United States of America, Appellee,
v.
Ronald Thomas Coleman,
a/k/a Ronald T. Coleman-Bey, Appellant.

Appeal from the United States District Court for the District of Maryland, at Baltimore. C. Stanley Blair, District Judge.

No. 79-5040

United States of America, Appellee,
v.
Steven Maurice Scott,
a/k/a Steven M. Scott-Bey, Appellant.

Appeal from the United States District Court for the District of Maryland, at Baltimore. Edward S. Northrop, Chief Judge.

No. 79-5041

United States of America, Appellee,
v.
John William McBride,
a/k/a John W. McBride-Bey, Appellant.

Appeal from the United States District Court for the District of Maryland, at Baltimore. Joseph H. Young, District Judge.

No. 79-5042

United States of America, Appellee,
v.
Ronald Ricardo Lovejoy,
a/k/a Ronald Ricardo Lovejoy-Bey, Appellant.

Appeal from the United States District Court for the District of Maryland, at Baltimore. Herbert F. Murray, District Judge.

Argued September 14, 1979 Decided October 17, 1979

Before HAYNSWORTH, Chief Judge, and WINTER and MURNAGHAN, Circuit Judge.

Jacques E. Leeds-Bey, Sr. for Appellants; Stuart O. Simms, Assistant United States Attorney (Russell T. Baker, Jr., United States Attorney on Brief) for Appellee.

PER CURIAM:

Convicted of willfully filing false income tax withholding exemption certificates in violation of 26 U.S.C. - 7205, defendants appeal. Their principal contention is that, as descendants of former slaves, they are Moors and are not legally persons who can be prosecuted under the income tax law or any criminal law of the United States.

We reject the contention. It is answered completely by the adoption of the Thirteenth and Fourteenth Amendments to the Constitution.

We see no error in the refusal of the several district judges to recuse themselves.

OCTOBER 17, 1979 **AFFIRMED.**